

IN THE CIRCUIT COURT OF LINCOLN COUNTY, TENNESSEE

LINDA S. JEFFERY,

Plaintiff,

v.

WAL-MART STORES EAST, LP, WAL-  
MART REAL ESTATE BUSINESS TRUST,  
and WALMART, INC.,

Defendants.

Docket No. 23-CV-61

Division

JURY DEMANDED

FILED  
2023 JUN -2 PM 1:20  
LISA GERRER STAMMS, CLERK  
CIRCUIT/SESSIONS/JUVENILE

COMPLAINT FOR DAMAGES

Comes now Plaintiff Linda S. Jeffery, and hereby files this Complaint against Defendants Wal-Mart Stores East, LP, Wal-Mart Real Estate Business Trust, and Walmart, Inc. (hereinafter collectively "Defendants Walmart") for damages against Defendants Walmart, and allege as follows:

PARTIES

1. Linda S. Jeffery is a resident of Lincoln County, Tennessee.
2. Defendant WAL-MART STORES EAST, LP, is a foreign limited partnership with its principal office located 702 SW 8<sup>th</sup> Street, Bentonville, Arkansas 72716, and may be served with process through its registered agent, CT Corporation System, located at 300 Montvue Road, Knoxville, Tennessee 37919.
3. Defendant WAL-MART REAL ESTATE BUSINESS TRUST is a foreign corporation with its principal office located 708 SW 8<sup>th</sup> Street, Bentonville, Arkansas 72712, and may be served with process through its registered agent, CT Corporation System, located at 300 Montvue Road, Knoxville, Tennessee 37919.

EXHIBIT B

4. Defendant WALMART, INC. is a foreign corporation with its principal office located 708 SW 8<sup>th</sup> Street, Bentonville, Arkansas 72712 and may be served with process through its registered agent, CT Corporation System, located at 300 Montvue Road, Knoxville, Tennessee 37919.

5. Upon information and belief, Defendants own, operate, and/or maintain Walmart Supercenter #314 located at 1224 Huntsville Highway, Fayetteville, Lincoln County, Tennessee.

#### **JURISDICTION AND VENUE**

6. Jurisdiction and venue are proper in the Circuit Court of Lincoln County, Tennessee, because a substantial part of the events or omissions giving rise to the claims in this case occurred in Lincoln County, Tennessee.

#### **FACTS**

7. At all times mentioned herein, Defendants Walmart owned, possessed, leased, maintained, operated, supervised, managed and/or controlled certain premises known as Walmart Supercenter #314, located at 1224 Huntsville Highway, Fayetteville, Lincoln County, Tennessee (hereinafter "Premises") for the benefit of the Plaintiff and the general public, and/or were responsible for the management, maintenance, repairs, inspections, and safety of Premises.

8. At all times mentioned herein, Defendants Walmart negligently and carelessly maintained, controlled, inspected, managed and/or supervised Premises as to cause or permit Premises to be in a dangerous, defective, unsafe, hazardous condition, in that Defendants Walmart allowed an unattended and improperly placed wooden pallet to stick out into the walking aisle in the Garden Center of Wal-Mart Supercenter #314, which created a dangerous condition on Premises, which was not reasonably apparent to patrons, including Plaintiff, and posed a substantial risk of injury.

9. On or about September 8, 2022, Defendants Walmart so negligently and carelessly maintained, operated, supervised, managed and controlled Premises as to cause or permit Premises to be in a dangerous, unsafe, and hazardous condition, in that Defendants Walmart allowed an unattended and improperly placed wooden pallet in the Garden Center of Walmart Supercenter #314, thereby creating a dangerous condition, of which they knew or should have known, causing Plaintiff Linda S. Jeffery to fall with great force and violence.

10. Defendants Walmart, in their operation and control of Premises, owed a duty of care with respect to Plaintiff Linda S. Jeffery and the public.

11. Defendants Walmart breached their duty of care when they failed to protect the public, including Plaintiff Linda S. Jeffery, against the unreasonable risk and failed to take reasonable steps to either make the condition safe or warn Plaintiff Linda S. Jeffery of the dangerous condition.

12. More specifically, Defendants Walmart breached the duty of care owed to Plaintiff Linda S. Jeffery by:

- a. failing to maintain Wal-Mart Supercenter #314 so as to prevent hazards such as the unattended and improperly placed wooden pallet that caused the Plaintiff to fall;
- b. failing to provide warning to the Plaintiff and other business invitees of the hazardous condition, such as a sign or other appropriate warning;
- c. failing to perform regular safety checks of Premises to ensure that hazardous conditions such as an unattended and improperly placed wooden pallet that caused the Plaintiff to fall could be identified;
- d. failing to provide adequate training to their employees to prevent hazardous conditions such as the unattended and improperly placed wooden pallet that caused the Plaintiff to fall;

- e. failing to provide adequate supervision of their employees to prevent hazardous conditions such as the unattended improperly placed wooden pallet that caused the Plaintiff to fall;
- f. failing to provide adequate training to their employees to perform regular safety checks of Premises to ensure that hazardous conditions such as the unattended and improperly placed wooden pallet that caused the Plaintiff to fall could be identified; and,
- g. failing to provide adequate supervision of their employees to ensure that regular safety checks of Premises are performed so that hazardous conditions such as the unattended and improperly placed wooden pallet that caused the Plaintiff to fall could be identified.

13. All of Plaintiff's injuries and damages were caused by the negligent failure of the Defendants Walmart to use reasonable care to provide her with a reasonably safe environment.

14. Plaintiff avers that all of her injuries and damages were directly and proximately caused by the negligence of Defendants Walmart, and/or their agents, servants, or employees while acting within the line and scope of their employment for Defendants Walmart.

#### **DAMAGES**

15. As a direct result of the negligence of Defendants Walmart as aforesaid, and by reason of the said fall thereby caused, Plaintiff Linda S. Jeffery sustained the following injuries and damages:

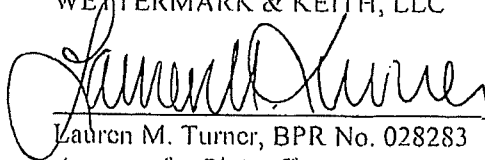
- a. Pain, mental anguish, and suffering, past and future;
- b. Medical and hospital expenses, past and future;
- c. Loss of enjoyment of life, past and future;
- d. Permanent anatomical disability;
- e. All other damages proven at trial to be so entitled.

WHEREFORE, Plaintiff Linda S. Jeffery demands a judgment against Defendants Walmart for her harms, losses, and damages in an amount to be determined by a jury and not less than \$550,000.00, together with interest from the date of injury, and all costs incurred in prosecuting this action, and for such other and further relief as the Court may deem just and proper.

Trial by jury is hereby DEMANDED.

Respectfully submitted,

WETTERMARK & KEITH, LLC

A handwritten signature in black ink, appearing to read "Lauren M. Turner", is written over a horizontal line.

Lauren M. Turner, BPR No. 028283

*Attorney for Plaintiff*

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